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98TH CONGRESS
1st Session

SENATE

REPORT
No. 98-187

MILITARY TRANSPORTATION FOR FAMILIES OF CERTAIN PERSONS MISSING IN SOUTHEAST ASIA

JULY 20 (legislative day, JULY 18), 1983.—Ordered to be printed

Mr. THURMOND, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 1245]

The Committee on Armed Services, to which was referred the bill (S. 1245) to authorize the Secretary of Defense to provide transportation for the next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia, having considered the same, reports favorably thereon with an amendment to the text and an amendment to the title and recommends that the bill, as amended, do pass.

PURPOSE

The purpose of the bill, as reported, is to permit the Secretary of Defense to provide transportation to members of the immediate family of service members and certain nationals who are missing in action, presumed dead, or otherwise unaccounted for as a result of the conflict in Southeast Asia during the period of January 1, 1961, through December 31, 1975. The transportation may be provided only for the purpose of the immediate family members attending annual meetings conducted in the continental United States by the National League of Families of American Prisoners and Missing in Southeast Asia.

The bill would permit this transportation to be provided only to the extent feasible within existing airlift resources of the Department of Defense and the committee directs that the Air National Guard and Air Force Reserve resources be utilized to the maximum extent possible.

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DEPARTMENTAL RECOMMENDATION

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., May 5, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation, "To amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia."

This proposal is part of the legislative program of the Department of Defense for the 98th Congress. The Office of Management and Budget advises that enactment of this proposal would be consistent with the administration's objectives. It is recommended that the proposal be enacted by the Congress.

Purpose of the legislation

The purpose of the proposed legislation is to authorize the Secretary of Defense to provide transportation by air for next of kin of certain individuals who are unaccounted for, to attend annual meetings during 1983, 1984, and 1985 that are to be sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia. Those eligible for the transportation would include next of kin of members of a uniformed service who, as a result of the conflict in Southeast Asia from 1961 through 1975, are still in a missing status, including remaining prisoners of war if any, or for whom, as a result of that conflict, a finding of death has been made, or a report of death has been made without repatriation of remains. Also eligible for this transportation would be next of kin of nationals of the United States who are not members of a uniformed service, and who are determined by the Secretary of Defense to be unaccounted for as a result of the conflict.

Furnishing this transportation would demonstrate clearly to the next of kin the continuing interest of the U.S. Government in attaining a definitive accounting for those who are still missing. The transportation would not disrupt performance of missions of the Department of Defense. The proposed legislation requires that the transportation be provided with existing departmental airlift resources, and without interference to accomplishment of departmental missions.

Cost and budget data

Enactment of this legislation would cause no increases in the budgetary requirements of the Department of Defense.

Sincerely,

WILLIAM H. TAFT IV.

Enclosure.

A BILL To amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 157 of title 10, United States Code, relating to transportation, is amended by adding at the end thereof the following new section:

"2636. Transportation to national meetings for next of kin of certain individuals who are unaccounted for

"(a) The Secretary of Defense is authorized, under such terms and conditions as the Secretary considers appropriate, to transport by air to annual national meetings within the continental United States sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia, next of kin of—

"(1) a member of a uniformed service—

"(A) who, as a result of the conflict in Southeast Asia during the period January 1, 1961, through December 31, 1975, is in a missing status within the meaning of section 551 of title 37;

"(B) for whom, as a result of the conflict, a finding of death has been made under section 555 of title 37; or

"(C) on whom, as a result of the conflict, a report of death has been made without repatriation of remains; and

"(2) a national of the United States who is not a member of a uniformed service, and who is determined by the Secretary of Defense to be unaccounted for as a result of the conflict in Southeast Asia during the period January 1, 1961, through December 31, 1975.

"(b) The Secretary may provide the transportation in subsection (a) only to the extent feasible within existing airlift resources of the Department of Defense, and only to the extent that such transportation does not interfere with the accomplishment of any mission of the Department of Defense.

"(c) No individual (or his estate) who is authorized by the Department of Defense to perform services under subsection (a), and who is acting within the scope of his duties, shall be liable for injury to or loss of property, or personal injury or death that may be caused incident to providing such services.".

(b) The table of sections of the beginning of chapter 157 of such title is amended by adding at the end thereof the following new item:

"2636. Transportation to national meetings for next of kin of certain individuals who are unaccounted for.".

SEC. 2. The authority in section 1(a) shall take effect on the date of enactment, and shall terminate on December 31, 1985.

COMMITTEE ACTION

On June 28, 1983, the committee adopted without objection a motion to favorably report S. 1245, as amended.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 1, 1983.

Hon. JOHN TOWER,
Chairman, Committee on Armed Services, U.S. Senate, Washington D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1245, a bill to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia, as ordered reported by the Senate Armed Services Committee on June 27, 1983.

Based on this review, it is expected that no additional cost to the government would be incurred as a result of enactment of this legislation. The legislation requires that transportation for these families be provided only to the extent feasible within the existing resources of the Department of Defense.

Enactment of this bill would not affect the budget of State and local governments.

Should the committee so desire, we would be pleased to provide further details on this cost estimate.

Sincerely,

C. G. NUCKOLS
(For Alice M. Rivlin, Director).

REGULATORY IMPACT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that a report on the regulatory impact of a bill be included in the report on such bill. The committee finds that in the case of S. 1245 as amended there is no regulatory impact.

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